

## Int'l. Fishing and Related Activities

## § 300.32

### § 300.30 Purpose and scope.

This subpart implements the South Pacific Tuna Act of 1988 (Act) and the Treaty on Fisheries Between the Governments of Certain Pacific Island States and the Government of the United States of America (Treaty) and applies to persons and vessels subject to the jurisdiction of the United States.

### § 300.31 Definitions.

In addition to the terms defined in § 300.2, in the Act, and in the Treaty, and unless the context requires otherwise, the terms used in this subpart have the following meanings. If a term is defined differently in § 300.2, the Act, or the Treaty, the definition in this section shall apply.

*Administrator* means the individual or organization designated by the Pacific Island Parties to act on their behalf under the Treaty and notified to the United States.

*Applicable national law* means any provision of law of a Pacific Island Party that is described in paragraph 1(a) of Annex I of the Treaty.

*Authorized inspector* means any individual authorized by a Pacific Island Party or the Secretary to conduct inspections, to remove samples of fish, and to gather any other information relating to fisheries in the Licensing Area.

*Authorized officer* means any officer who is authorized by the Secretary, or the Secretary of Transportation, or the head of any Federal or state agency that has entered into an enforcement agreement with the Secretary under section 10(a) of the Act.

*Authorized party officer* means any officer authorized by a Pacific Island Party to enforce the provisions of the Treaty.

*Closed area* means any of the closed areas identified in Schedule 2 of Annex I of the Treaty.

*Fishing* means searching for, catching, taking, or harvesting fish; attempting to search for, catch, take, or harvest fish; engaging in any other activity that can reasonably be expected to result in the locating, catching, taking, or harvesting of fish; placing, searching for, or recovering fish aggregating devices or associated electronic

equipment such as radio beacons; any operations at sea directly in support of, or in preparation for, any activity described in this paragraph; or aircraft use, relating to the activities described in this definition, except for flights in emergencies involving the health or safety of crew members or the safety of a vessel.

*Fishing arrangement* means an arrangement between a Pacific Island Party and the owner of a U.S. fishing vessel that complies with section 6(b) of the Act.

*Fishing vessel* or *vessel* means any boat, ship, or other craft that is used for, equipped to be used for, or of a type normally used for commercial fishing, and that is documented under the laws of the United States.

*Licensing Area* means all waters in the Treaty Area except for:

(1) Those waters subject to the jurisdiction of the United States in accordance with international law.

(2) Those waters within closed areas.

(3) Those waters within limited areas closed to fishing.

*Licensing period* means the period of validity of licenses issued in accordance with the Treaty.

*Limited area(s)* means those areas so identified in Schedule 3 of Annex I of the Treaty.

*Operator* means any person who is in charge of, directs or controls a vessel, including the owner, charterer and master.

*Pacific Island Party* means a Pacific island nation that is a party to the Treaty.

*Regional Administrator* means the Director, Southwest Region, or a designee.

*Transship* means to unload any or all of the fish on board a licensed vessel either ashore or onto another vessel.

*Treaty Area* means the area described in paragraph 1(k) of Article I of the Treaty.

### § 300.32 Vessel licenses.

(a) Each vessel fishing in the Licensing Area must have a license issued by the Administrator for the licensing period being fished, unless excepted by § 300.39. Each licensing period begins on June 15 and ends on June 14 of the following year.